

# NZTA - Waka Kotahi

## Organisational Change Protocol 2024

### Purpose

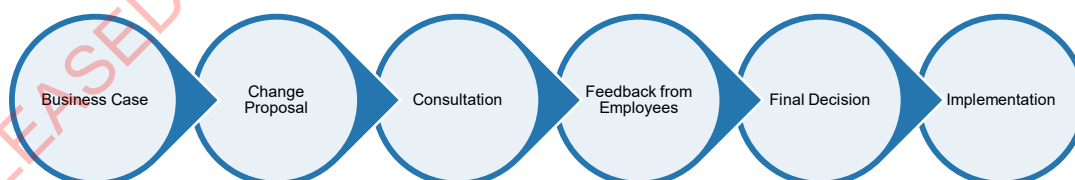
This protocol sets out New Zealand Transport Agency – Waka Kotahi’s (NZTA) approach to organisational change where it has the potential to impact our people.

NZTA is focused on ensuring that any impact on our people and disruption to our work is minimised during change.

### Guiding principles

1. NZTA recognises that workplace change can be a challenging time for an organisation and its people. During times of change it will endeavour to balance the needs and goals of its business, with the needs of its people.
2. As a Public Service Agency, change at NZTA will often be driven by the objectives of the Government of the day.
3. NZTA will observe its legislative and contractual obligations to people affected by change.
4. People affected by a proposed change will be provided with information relevant to any proposal. Those affected will also be afforded sufficient time to consider the proposal and provide feedback.
5. NZTA will carefully consider all suggestions and feedback before any decisions are made; however, not all suggestions and feedback will result in modification to the change proposal.
6. Our people will be appropriately supported through change, provided with certainty of outcome as soon as possible, and regularly updated through the process.
7. NZTA will explore all reasonable options for people who are deemed affected by change, and termination of employment will be a last resort.

### Our approach to change



### Business case for change

NZTA is entitled to make changes to its business structure to improve the viability or efficiency of its business. Business cases for changes are assessed on a case-by-case basis, and there must be a clear business rationale for any proposed organisational change.

## Change Proposal

Once a business case for proposed change has been prepared, NZTA will complete an **impact assessment** and consult with all **potentially affected employees** on the proposed change.

An **impact assessment** will involve a **job matching exercise**, where positions in the current structure are compared with positions in the proposed new structure.

Full explanations of the reasons for the proposed change will be set out in an Employee Consultation Pack, which will be given to all potentially affected employees. Our people will be given an opportunity to provide feedback on the proposed change, and that feedback will be genuinely considered before deciding whether to proceed with the proposed change.

Where the proposed changes may affect employees who are union members, the relevant unions will be engaged and will remain involved throughout the change process.

## Employee Consultation Pack

The Employee Consultation Pack will set out:

- The purpose of the process and business case for the proposed change(s)
- What the proposed structural change(s) are, and the **impact assessment**
- How the duties of any roles that are proposed to be disestablished will be distributed within the proposed new structure
- Draft position descriptions for any proposed roles or changes to roles
- The steps in the consultation process and an indicative timeline, including the proposed implementation date
- An employee's right to obtain legal advice and/or bring a legal representative to any consultation meeting, and be assisted and/or represented by their union
- Information regarding reconfirmation (non-contestable and contestable) and redeployment opportunities
- If applicable, the proposed selection criteria for deciding which employees will be reconfirmed into roles from amongst a pool of affected staff performing the same role (**contestable reconfirmation**)
- Information on what will occur while NZTA works through the change process, including time off to obtain advice and expectations regarding continuing work
- Key contacts and support people within NZTA for answering any queries
- Information about access to NZTA's Employee Assistance Program.

## Decision to adopt the proposal (or not)

All feedback received during consultation (on the business rationale, proposed changes, and potential impact of the proposed change on positions) will be reviewed and considered before a final decision is made on the proposed changes. Consultation regarding the impact on our people's positions will continue if a decision is made to proceed with the proposed change.

## What happens next?

If the proposal is adopted (or a modified version of it, following consideration of our people's feedback), all potentially affected employees will be notified of the decision and the new structure. NZTA will also let employees know if they are a **non-affected** or **affected employee** and explain what will happen next.

### **Affected Employee**

An employee is an **affected employee** if their position:

- remains the same, but NZTA intends to reduce the number of roles carried out by several employees (i.e. reducing from 3 of the same position to 1 of that position); or
- has been disestablished; or
- there will be a substantial change to their position.

### **Non-affected Employee**

An employee will be a **non-affected employee** if there will be no change to their position or if the change to their position is considered minor.

Fixed-term employees are not usually included as affected employees in a workplace change; however, there may be some circumstances in which they are consulted. If a change will mean that their fixed-term contract is ended prior to the end of the agreed term, then they are entitled to the notice stated in their fixed-term contract.

## **Affected employees**

### **Non-contestable reconfirmation**

Employees will be automatically confirmed into positions if:

- the position is the same or substantially similar to their current position; and
- the number of staff eligible for confirmation is the same or less than the positions available (i.e. **non-contestable reconfirmation**).

If an employee is offered non-contestable reconfirmation, and they do not wish to take up the offered position in the new structure, the employee's employment will end by reason of resignation and there will be no entitlement to redundancy compensation (in accordance with the applicable employment agreement).

### **Contestable reconfirmation**

If, in the new structure, there are a number of positions that are the same or substantially similar to those in the existing structure, but the number of positions is being reduced or combined to a lesser number of (same or substantially similar) positions, a **selection process** will follow.

During consultation on the proposed changes, relevant potentially affected employees will have an opportunity to comment on the proposed selection criteria for potential contestable processes. Selection criteria will be objectively measurable (for example, criteria could include skills-sets, experience, education, and previous performance) and will be clearly communicated to relevant affected employees at this stage.

### **Redeployment**

Where there are no positions in the new structure that an employee can be reconfirmed into (or where an employee is unsuccessful in being confirmed into a role after a contestable process), the employee will be considered for **redeployment to suitable alternative positions** within the new structure.

A **suitable alternative position** is one that involves duties and responsibilities that are not unreasonable for the employee to fulfil, taking into account the employee's skills, knowledge,

qualifications and experience, and where the employee could reasonably be expected to carry out the duties and responsibilities of the position with a reasonable amount of training and development.

NZTA may identify possible **suitable alternative positions** that an employee could be redeployed to. Employees are also welcome to identify roles within the new structure that they consider to be a **suitable alternative position**.

In most cases, if an employee is offered a **suitable alternative position** but does not accept that offer, the employee's employment will end by reason of resignation and there will be no entitlement to redundancy compensation.

### ***Wider redeployment***

Where an employee cannot be reconfirmed, and no suitable alternative positions are identified (i.e. they remain an **affected employee**), NZTA and the affected employee can consider other vacant roles within the new structure, or across the organisation generally. Our goal is to retain our people, wherever possible.

Vacancies (in the new structure, or elsewhere in the organisation) will generally be advertised internally in the first instance and preference will be given to affected employees. A merit-based selection process will be carried out, in line with NZTA's normal selection procedures.

### ***Redundancy***

Where all options for an employee have been exhausted, the employee will be given notice of redundancy (in accordance with the terms of the employee's employment agreement).

If there is a redundancy as a result of organisational change, it will not become effective until NZTA transitions to the new structure.

Any redundancy entitlements will be in accordance with the affected employee's employment agreement and [statutory restrictions under s.88 of the Public Service Act 2020](#).

Consideration will be given to **voluntary redundancy**, on a case-by-case basis.

### **Other information**

NZTA acknowledges that change is unsettling. Confidential counselling and support is available to all our people through [EAP Services](#) – 0800 327 669. You can also speak to your People Leader, union organiser or a representative if you need additional support.

Where appropriate, CV writing and interview skills workshops/ coaching, will be provided to affected employees.

If you have any questions or concerns about change, please direct these to your People Leader, HR Business Partner, or our Employment Relations team.